

PERMIT PART 1

GENERAL PERMIT CONDITIONS

HIGHLIGHTS

This Part sets forth the standards and conditions that every owner/operator of a hazardous waste storage, treatment, and/or disposal facility (TSDF) is required to meet, in order to manage, store, and dispose hazardous waste in a manner protective of human health and the environment under the New Mexico Hazardous Waste Act (the HWA) and the Resource Conservation and Recovery Act (RCRA).

1.1 EFFECT OF PERMIT

The Secretary of the New Mexico Environment Department (the Secretary) issues this permit to Gandy Marley, Inc., the owner and operator of the Triassic Park Waste Disposal Facility (Environmental Protection Agency (EPA) I.D. No. NM0001002484). This Permit authorizes Gandy Marley (the Permittee) to treat, store, and dispose of off-site hazardous waste at the Triassic Park Waste Disposal Facility (the Facility), and establishes the general and specific standards for these activities, pursuant to the New Mexico Hazardous Waste Act, NMSA 1978, 74-4-1 to 74-4-14 (Repl. Pamp. 2000) and the New Mexico Hazardous Waste Management Regulations, 20.4.1. NMAC.

Compliance with this Permit during its term shall constitute compliance, for purposes of enforcement, with Subtitle C of RCRA, and/or the HWA, and/or their implementing regulations. Compliance with this Permit shall not constitute a defense to any order issued or any action brought under Sections 74-4-10.E, 74-4-10.1, or 74-4-13 of the HWA; Sections 3008(a), 3013, 7002(a)(1)(B), or 7003 of RCRA; the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601 et seq.; or any other law providing for protection of public health or the environment. This Permit does not convey any property rights or any exclusive privilege, nor authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local laws or regulations. [20.4.1.900 NMAC (incorporating 40 CFR 270.4(a) and 270.30(g))]

1.2 PERMIT ACTIONS

1.2.1 Term of Permit

This Permit shall be effective for a fixed term not to exceed ten years from the effective date of issuance as specified in the Permit certificate. [20.4.1.900 NMAC (incorporating 40 CFR 270.50(a))]

1.2.2 Permit Renewal

The Permittee may request a renewal of this Permit by submitting an application for a new Permit at least 180 calendar days before the expiration date of this Permit. In reviewing any application for a Permit renewal, the Secretary shall consider improvements in the state of control and measurement technology and changes in applicable regulations. [20.4.1.900 NMAC (incorporating 40 CFR 270.10(h) and 270.30(b))]

1.2.3 Permit Modification, Suspension, and Revocation

This Permit may be modified, suspended, and/or revoked for cause as specified at Section 74-4-4.2 of the HWA and 20.4.1.900 NMAC (incorporating 40 CFR 270.41, 270.42, and 270.43). The filing of a request by the Permittee for a Permit modification, suspension, or revocation, or the notification of planned changes or anticipated noncompliance, shall not stay any Permit Condition. [20.4.1.900 NMAC (incorporating 40 CFR 270.41)]

1.2.4 Transfer of Permit

The Permittee shall not transfer this Permit to any person except after providing notice to the Secretary and receiving approval from the Secretary for this action. The prospective new owner or operator shall file a disclosure statement with the Secretary prior to the transfer as required by Section 74-4-4.7 of the HWA and 20.4.1.900 NMAC (incorporating 40 CFR 270.30(1)(3)). The Secretary may require modification or revocation and reissuance of this Permit in accordance with 20.4.1.900 and 20.4.1.901 NMAC (incorporating 40 CFR 270.40(b) and 270.41(b)(2)).

Before transferring ownership or operation of the Facility during its active life or post-closure care period, the Permittee shall notify the new owner or operator in writing of the requirements of 20.4.1.900 NMAC (incorporating 40 CFR Part 270). [20.4.1.500 NMAC (incorporating 40 CFR 264.12(c))]

1.2.5 Permit Review

The Secretary shall review this Permit no later than five years after the effective date of the Permit, and shall modify the Permit as necessary, pursuant to Section 74-4-4.2 of the HWA and 20.4.1.900 NMAC (incorporating 40 CFR 270.41 and 270.50(d)). Such modification shall not extend the effective term of the Permit as specified at Permit Condition 1.2.1.

1.3 SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. [40 CFR 124.16(a)(1) and (a)(2)]

1.4 DEFINITIONS

If, subsequent to the issuance of this Permit, federal or State regulations are promulgated which redefine any of the terms defined below, the Secretary may, at his or her discretion, apply the new definition to this Permit by modifying the Permit. [20.4.1.900 NMAC (incorporating 40 CFR 270.41(a)(3))]

For purposes of this Permit, terms used herein shall have the same meanings as those in the HWA, RCRA, and their implementing regulations unless this Permit specifically provides otherwise. Where a term is not defined in the HWA, RCRA, pursuant regulations, EPA guidelines or publications, or this Permit, the meaning associated with such a term is defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

- *Action leakage rate (ALR)* means the maximum design flow rate that a leak detection system can remove without the fluid head on the bottom liner exceeding one foot. [20.4.1.500 NMAC (incorporating 40 CFR 264.222(a) and 264.302(a))]
- *Area of Concern (AOC)* means any area may have a release of hazardous waste or hazardous constituents, which is not from a solid waste management unit and is suspected or determined by the Secretary to pose a threat to human health or the environment.

- *Debris* means solid material exceeding a 60 millimeter particle size that is intended for disposal and that is: a manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in 20.4.1.800 NMAC (incorporating 40 CFR 268, Subpart D), namely, lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75 percent of their original volume. A mixture of debris that has not been treated to the standards provided by 20.4.1.800 NMAC (incorporating 40 CFR 268.45) and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection. [20.4.1.800 NMAC (incorporating 40 CFR 268.2(g))]
- *Evaporation pond* for purposes of this Permit means the Surface Impoundment at the Triassic Park Waste Disposal Facility.
- *Facility* for purposes of this Permit means the Triassic Park Waste Disposal Facility, including all contiguous land, and structures, other appurtenances, and improvements on the land used for the management of hazardous waste.
- *Free liquids* means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure. [20.4.1.100 NMAC (incorporating 40 CFR 260.10)]
- *Hazardous constituent or constituents* means those constituents listed at 20.4.1.200 NMAC (incorporating 40 CFR 261, Appendix VIII). [20.4.1.800 NMAC (incorporating 40 CFR 268.2(b))]
- *Hazardous waste* means any hazardous waste identified at 20.4.1.200 NMAC (incorporating 40 CFR 261.3).

- *HWA* means the New Mexico Hazardous Waste Act, NMSA 1978, 74-4-1 to 74-4-14, the state statute governing hazardous waste management.
- *In light liquid service* (in light material service) means that the piece of equipment contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20° C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20° C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions. [20.4.1.500 NMAC (incorporating 40 CFR 264.1031)]
- *Land Disposal Restrictions (LDR)* means the restrictions on the land disposal of hazardous waste in section 3004(b) through (m) of RCRA, 42 U.S.C. § 6924(b) through (m), and the NMAC 20.4.1.800 (incorporating 40 C.F.R. part 268).
- *Leachate* means any liquid, including any suspended components in the liquid that has percolated through or drained from hazardous waste. [20.4.1.100 NMAC (incorporating 40 CFR 260.10)]
- *Leak detection system (LDS)* means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure. [20.4.1.100 NMAC (incorporating 40 CFR 260.10)]
- *Nonwastewaters* mean wastes that do not meet the criteria for wastewaters provided at 20.4.1.500

NMAC (incorporating 40 CFR 268.2(f)).
[20.4.1.800 NMAC (incorporating 40 CFR 268.2(d))]

- *Permittee* means Gandy Marley, Inc., 1109 East Broadway, P.O. Box 827, Tatum, Chaves County, New Mexico 88267.
- *Permitted unit* means any unit treating, storing or disposing of hazardous wastes and required to have a permit. [20.4.1.900 NMAC (incorporating 40 CFR 270.1(c))]
- *RCRA* means the federal Resource Conservation and Recovery Act, 42 U.S.C. 6901 to 6992k, the federal statute governing hazardous waste management.
- *Regulated unit* means a surface impoundment, waste pile, land treatment unit, or landfill that receives hazardous waste after July 26, 1982. Regulated units must undergo monitoring for the purposes of detecting, characterizing and responding to releases to the uppermost aquifer. [20.4.1.500 NMAC (incorporating 40 CFR 264.90(a)(2))]
- *Release* means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any hazardous waste or hazardous constituent into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing a hazardous waste or hazardous constituent. [61 FR 19442]
- *Remediation waste* means all solid and hazardous wastes, and all media (including ground water, surface water, soils, and sediments) and debris which contain listed hazardous wastes, or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements in compliance with RCRA, Sections 3004(v) and 3005(c)(3), and 20.4.1.500 NMAC (incorporating 40 CFR 264.101).

- *Secretary* means the Secretary of the New Mexico Environment Department or his or her designee. [20.4.1.101.B.8 NMAC]
- *Soil* means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles as classified by the U.S. Natural Resources Conservation Service, or a mixture of such materials with liquids, sludges or solids which is inseparable by simple mechanical removal processes and is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited hazardous waste with soil that changes its treatment classification (i.e., from waste to contaminated soil) is not allowed under the dilution prohibition of 20.4.1.800 NMAC (incorporating 40 CFR 268.3). [20.4.1.800 NMAC (incorporating 40 CFR 268.2(k))]
- *Solid Waste Management Unit (SWMU)* means any discernable unit at which solid wastes have been placed at any time, and from which the Secretary determines there may be a risk of a release of hazardous constituents, irrespective of whether the unit was intended for the management of solid or hazardous wastes. Placement of solid waste includes one time and accidental events that were not remediated, as well as any unit or area at which solid waste has been routinely and systematically placed.
- *Underlying hazardous constituent (UHC)* means any constituent listed in 20.4.1.800 NMAC (incorporating 40 CFR 268.48, Table UTS - Universal Treatment Standards), except fluoride, selenium, sulfides, vanadium, and zinc, which can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standards. [20.4.1.800 NMAC (incorporating 40 CFR 268.2(i))]
- *Unit* means, but is not limited to, for purposes of this Permit, any hazardous waste container

area, tank storage area, tank treatment area, surface impoundment, or landfill.

- *Vadose zone* means the geologic profile extending from the ground surface to the upper surface of the uppermost water-bearing formation and includes localized areas of saturation such as perched water and capillary fringe regions. [20.9.1.105.CH NMAC]
- *Wastewaters* means wastes that contain less than one percent by weight total organic carbon (TOC) and less than one percent by weight total suspended solids (TSS). [20.4.1.800 NMAC (incorporating 40 CFR 268.2(f))]

1.5 DUTIES AND REQUIREMENTS

1.5.1 Duty to Comply

The Permittee shall comply with all conditions in this Permit, except to the extent and for the duration such noncompliance is authorized in an Emergency Permit, as specified at 20.4.1.900 NMAC (incorporating 40 CFR 270.61). Any Permit noncompliance, except under the terms of an Emergency Permit, constitutes a violation of the HWA and/or RCRA and may subject the Permittee, its successors and assigns, officers, directors, employees, parents, or subsidiaries, to an administrative or civil enforcement action, including civil penalties and injunctive relief under Sections 74-4-10 or 74-4-10.1 of the HWA, or Sections 3008(a) and (g) or 7002(a)(1)(A) of RCRA; to Permit modification, suspension, or revocation, or denial of a Permit application or modification request under Section 74-4-4.2 of the HWA; to citizen suit under Section 7002(a) of RCRA; to criminal fines or imprisonment under Section 74-4-11 of the HWA, or Sections 3008(d), (e), or (f) of RCRA; or to a combination of the foregoing. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(a))]

1.5.2 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(c))]

1.5.3 Continuation of Expiring Permit

If the Permittee has submitted a timely and complete application for renewal of this Permit in accordance with Permit Condition 1.2.2 and 20.4.1.900 NMAC (incorporating 40 CFR 270.10 and 270.13 through 270.27), and, through no fault of the Permittee, the Secretary has not issued a new Permit on or before the expiration date of this Permit, the terms and conditions of this Permit remain in effect until the effective date of the Secretary's issuance or denial of the new Permit. [20.4.1.900 NMAC (incorporating 40 CFR 270.51)]

1.5.4 Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases of hazardous waste or hazardous constituents to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(d))]

1.5.5 Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all units and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(e))] This provision requires the operation of back-up or auxiliary units or similar systems only when necessary to achieve compliance with the conditions of this Permit.

1.5.6 Duty to Provide Information

The Permittee shall furnish to the Secretary, within a reasonable time as specified by the Secretary, any relevant information which the Secretary may request to determine whether cause exists for modifying, suspending, or revoking this Permit, to determine compliance with this Permit, to determine whether corrective action may be necessary, or otherwise to enforce the provisions of the HWA or RCRA. [NMSA 74-4-4.3; 20.4.1.500 NMAC (incorporating 40 CFR 264.74(a))]

The Permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this Permit. [NMSA 74-4-4.3; 20.4.1.900 NMAC (incorporating 40 CFR 270.30(h))]

Permit Condition 1.5.6 shall not be construed to limit, in any manner, the Secretary's authority under Section 74-4-4.3 of the HWA, Section 3007(a) of RCRA, or other applicable laws.

1.5.7 Disclosure Statement

If any information required to be included in the disclosure statement provided by the Permittee to comply with Section 74-4-4.7 of the HWA changes, or if any information is added after filing the statement, the Permittee shall provide that information to the Secretary within 30 calendar days after the change or addition. Failure to provide such information in a timely manner may constitute the basis for the revocation of this Permit.

1.5.8 Inspection and Entry

The Permittee shall allow the Secretary, or his or her authorized representatives, upon the presentation of credentials and other documents as may be required by law, the following entry and inspection authority, as required by NMSA 47-4-4.3 and 20.4.1.900 NMAC (incorporating 40 CFR 270.30(i)):

1.5.8.a Entrance to Premises

To enter at reasonable times into the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;

1.5.8.b Access to Records

To have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Permit;

1.5.8.c Inspection

To inspect at reasonable times any units, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

1.5.8.d Sampling

To sample or monitor at reasonable times, for the purposes of assuring Permit compliance, determining the need for corrective action, or as otherwise authorized by the HWA or RCRA, any substances or parameters, including wastes, soil, and groundwater, at any location.

Permit Condition 1.5.8 shall not be construed to limit, in any manner, the Secretary's authority under Section 74-4-4.3 of the HWA, Section 3007(a) of RCRA, or other applicable laws.

1.5.9 Reporting Requirements

1.5.9.a Reporting Planned Changes

The Permittee shall give notice to the Secretary, as soon as possible, of any planned physical alterations or additions to the Facility. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(1)(1))]

1.5.9.b Reporting Anticipated Noncompliance

The Permittee shall give advance written notice to the Secretary of any planned physical changes to the Facility or any permitted activities that may result in noncompliance with Permit requirements. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(1)(2))]

1.5.9.c Certification of Construction or Modification

The Permittee shall not accept hazardous waste at the Facility, or, if the Facility is being modified, the Permittee shall not accept, treat, store, or dispose of hazardous waste in the modified portion of the Facility, until the following conditions have been satisfied:

1.5.9.c.i Submittal of Construction Certification and As-Built Specifications

The Permittee has submitted to the Secretary, by certified mail, hand delivery, or special delivery service, a letter signed by the Permittee and an independent professional engineer registered in New Mexico stating that the Facility has been constructed or modified as required by this Permit, in accordance with Permit Condition 1.10; and

1.5.9.c.ii Inspection by the Secretary

The Secretary has inspected the newly constructed Facility or the modified portion of the Facility and:

- finds it is in compliance with the conditions of this Permit; or
- has waived the inspection; or,
- within 15 calendar days from the date of submission of the letter required under Permit Condition 1.5.9.c.i, has not notified the Permittee of his or her intent to inspect. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(1)(2))]

1.5.9.d Twenty-Four Hour and Subsequent Reporting

1.5.9.d.i Oral Report

As required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(1)(6)), within 24 hours from the time the Permittee becomes aware of any noncompliance that may endanger human health or the environment, the Permittee shall report orally to the Secretary the following:

- information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies; and
- any information of a release or discharge of hazardous waste, or of a fire or explosion from the Facility, which could threaten the environment or human health outside the Facility.

1.5.9.d.ii Description of Occurrence

The description of the occurrence and its cause shall include, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(1)(6)(ii)):

- name, address, and telephone number of the Permittee;
- name, address, and telephone number of the Facility;

- date, time, and type of incident;
- name and quantity of materials involved;
- the extent of injuries, if any;
- an assessment of actual or potential hazards to the environment and human health outside the Facility, where this is applicable; and
- the estimated quantity and disposition of recovered material that resulted from the incident.

1.5.9.d.iii Written Submission

The Permittee shall provide a written submission within five calendar days from the time the Permittee becomes aware of the noncompliance. The written submission shall contain, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(1)(6)(iii)):

- a description of the noncompliance and its cause;
- the period(s) of the noncompliance, including exact date(s) and time(s), and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

The Secretary may extend the time for submission of a written report to 15 days.

1.5.9.e Contingency Plan Implementation

If Permit Attachment C, *Contingency Plan*, is implemented, the Permittee shall comply with the reporting requirements of Permit Condition 2.11.6 and 20.4.1.500 NMAC (incorporating 40 CFR 264.56(j)).

1.5.9.f Other Noncompliance

The Permittee shall report to the Secretary all other instances of noncompliance not otherwise required to be reported in Permit Condition 1.5.9 in the Quarterly Report required at Permit Condition 2.12.2.b. The report shall contain the information

listed at Permit Condition 1.5.9.d. [20.4.1.900 NMAC
(incorporating 40 CFR 270.30(1)(10))]

1.5.9.g Other Information

Whenever the Permittee becomes aware that the Permittee failed to submit any relevant facts in the Permit Application, or submitted incorrect information in the Permit Application or in any report to the Secretary, the Permittee shall promptly submit such facts or information in writing to the Secretary.
[20.4.1.900 NMAC (incorporating 40 CFR 270.30(1)(11))]

1.5.10 Obligation for Corrective Action

Corrective action required pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.101) shall continue under this Permit for any period necessary to comply with the requirements specified at Parts 9 and 10 of this Permit.

1.6 SIGNATORY REQUIREMENT

The Permittee shall sign and certify all applications or reports submitted to or requested by the Secretary, or required by this Permit, in accordance with and using the certification language specified in 20.4.1.900 NMAC (incorporating 40 CFR 270.11 and 270.30(k)).

1.7 REPORTS AND NOTIFICATIONS SUBMITTED TO THE SECRETARY

The Permittee shall submit two copies of all reports and notifications required by this Permit by certified mail, hand delivery, or special delivery service. Submissions shall be sent to:

Chief, Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East
Building 1
Santa Fe, New Mexico 87505-6303

Telephone Number: 505/428-2512
Facsimile Number: 505/428-2567

1.8 CONFIDENTIAL INFORMATION

The Permittee may claim confidentiality for any information submitted to or requested by the Secretary or required by this

Permit to the extent authorized by Section 74-4-4.3(D) of the HWA and 20.4.1.900 NMAC (incorporating 40 CFR 270.12).

1.9 DOCUMENTS TO BE MAINTAINED AT THE FACILITY

1.9.1 Documents to be Maintained until Completion of Closure

The Permittee shall maintain at the Facility, until final completion of closure as specified at Permit Part 8 has been approved by the Secretary, the following documents and all current amendments, revisions, and modifications to these documents:

- Permit Attachment B, *Procedures to Prevent Hazards* (Permit Condition 2.10)
- Permit Attachments C, *Contingency Plan*, including summary reports and details of all incidents that require implementation of the Contingency Plan; C1, *Emergency Equipment*; C2, *Emergency Coordinators*; C3, *Cooperating Local Authorities*; and C4, *Evacuation Plans*. [20.4.1.500 NMAC (incorporating 40 CFR 264.53(a)) and Permit Condition 2.11.2]
- Permit Attachments D, *Inspection Procedures*; and D1, *Inspection Schedules and Checklists*. [20.4.1.500 NMAC (incorporating 40 CFR 264.15(b)(2)) and Permit Condition 2.7]
- Permit Attachment E, *Personnel Training*, and personnel training documents and records. [20.4.1.500 NMAC (incorporating 40 CFR 264.16(d) and (e)) and Permit Condition 2.8]
- Permit Attachments F, *Waste Analysis Plan*; F1, *Rationale for Analytical Parameter Selection*; F2, *Waste Profile Form*; and F3, *Chain-of-Custody Form*. [20.4.1.500 NMAC (incorporating 40 CFR 264.13(b)) and Permit Condition 2.5.1]
- The Operating Record. [20.4.1.500 NMAC (incorporating 40 CFR 264.73) and Permit Condition 2.12.1.a]

- Permit Attachment J, *Action Leakage Rate and Response Action Plan*. (Permit Condition 2.10.7)
- Permit Attachment N, *Operations and Maintenance Plan*. (Permit Condition 2.10.8)
- Permit Attachments O, *Closure Plan; O1, Compliance Schedules for Closure; and O2, Financial Assurance for Closure*. (Permit Conditions 8.1.1 and 8.3.1(d))

1.9.2 Documents to be Maintained until Completion of Post-Closure Care

The Permittee shall maintain at the Facility or other appropriate location approved by the Secretary, until completion of post-closure care as specified at Permit Part 8 has been approved by the Secretary, the following documents and all amendments, revisions, and modifications to these documents:

- Permit Attachments P, *Post-Closure Care Plan; and P1, Financial Assurance for Post-Closure Care*. (Permit Conditions 8.2.1 and 8.3.1.d)

1.10 COMPLIANCE SCHEDULE

The Permittee shall submit documents, plans, certifications, and as-built specifications under this Permit to the Secretary for approval in accordance with the schedule provided in Table 1-1, *Compliance Schedule*, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.33). Written notification of compliance or noncompliance with any item identified in the schedule shall be submitted according to the schedule date. Submittal of a required item according to the schedule constitutes notification of compliance.

All plans and schedules required to be submitted by the conditions of this Permit are, upon approval of the Secretary, incorporated into this Schedule of Compliance by reference and become an enforceable part of this Permit. Any noncompliance with such approved plans shall be termed noncompliance with this Permit. Extension of the due dates for submittals may be granted by the Secretary in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.41 and/or 270.42).

TABLE 1-1
COMPLIANCE SCHEDULE

PERMIT CONDITION	DOCUMENT/INFORMATION	DUE DATE
1.5.9.c.i	Submittal of Construction Certification and As-Built Specifications	30 days prior to first receipt of waste
2.10.6	Notification of Agreements with Local Authorities	30 days prior to first receipt of waste
2.11.5	Updated Contingency Plan	15 days prior to first receipt of waste
2.11.5.a	List of Emergency Coordinators	15 days prior to first receipt of waste
2.11.5.c	Evacuation Plan	15 days prior to first receipt of waste
2.18.1.b	Documentation of Liability Coverage for Sudden Accidental Occurrences	60 days prior to first receipt of waste
2.18.2.b	Documentation of Liability Coverage for Nonsudden Accidental Occurrences	60 days prior to first receipt of waste
4.7.3.a	Tank Installation Certification	30 days prior to first receipt of waste
5.7.3.a	Surface Impoundment CQA Certification	30 days prior to the first receipt of waste
7.2.1	Vadose Zone Monitoring Wells	Prior to the first receipt of waste

PERMIT CONDITION	DOCUMENT/INFORMATION	DUE DATE
10.2	Facility Corrective Action Work Plan	Within 180 days of the effective date of this Permit
10.3.2.a	Background Soil Concentrations Work Plan	30 calendar days prior to the first receipt of waste

